

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jamal H. Doctor,

Petitioner,

vs.

J. Al Cannon,

Respondent.

) C/A No. 5:12-973-RMG-KDW

)

)

)

)

)

)

)

)

)

)

ORDER

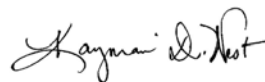
This is an action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254. Petitioner is a prisoner confined at a local detention center. Therefore, in the event that a limitations issue arises, Petitioner shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266, 276 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District of South Carolina, pretrial proceedings in this action have been referred to the undersigned United States Magistrate Judge.

In an order filed in this case on April 9, 2012, the undersigned directed Petitioner to bring this case into "proper form" by submitting a motion for leave to proceed *in forma pauperis* or the five-dollar (\$5) filing fee. Petitioner has submitted a motion for leave to proceed *in forma pauperis*. Petitioner's motion for leave to proceed *in forma pauperis* (ECF No. 12) is **granted**.

TO THE CLERK OF COURT:

The Clerk of Court shall not serve the § 2254 Petition upon Respondent because the Petition is subject to summary dismissal for failure to exhaust state court remedies.

IT IS SO ORDERED.



April 18, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge